BORA LASKIN LAW LIBRARY
31761 09565208 7

UNIVERSITY OF TORONTO
FACULTY OF LAW

PROPERTY LAW: 2013-2014

VOLUME THREE

J. Phillips
Faculty of Law
University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto.

STORAGE

KE
618
.P45
2013
v.3
c.1

BORA LASKIN LAW LIBRARY

JAN - 7 2014

FACULTY OF LAW
UNIVERSITY OF TORONTO

PROPERTY LAW: 2013-2014

VOLUME THREE

J. Phillips
Faculty of Law
University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto.

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/propertylaw03phil_3

TABLE OF CONTENTS - VOLUME THREE

CHAPTER TEN: INTRODUCTION TO LANDLORD AND TENANT LAW - THE NATURE OF THE LEASEHOLD RELATIONSHIP

(a) Introduction 381

(b) Leases and Licences 383

Re BA Oil Co. and DePass 384

Metro-Matic Services v. *Hulmann*..... 388

Note 392

(c) The Independence of Covenants 394

(d) From Property to Contract? The Law Relating to Abandonment .. 395

Goldhar v. *Universal Sections and Mouldings Ltd* 397

Highway Properties Ltd. v. *Kelly, Douglas & Co* 403

Notes 409

CHAPTER ELEVEN: LANDLORD AND TENANT OBLIGATIONS AND REMEDIES

(a) Introduction 413

(b) Implied Obligations on the Landlord: The Covenant for Quiet Enjoyment and The Covenant not to Derogate From Grant 414

Owen v. *Gadd* 416

Harmer v. *Jumbil (Nigeria) Tin Areas Ltd* 419

Notes 420

Non-Derogation and Profitability: *Port* v. *Griffith* 422

Notes 424

(c) The Tenant's Obligation to Pay Rent and Landlords' Remedies

General 426

Distress 426

Country Kitchen Ltd. v. *Wabush Enterprises Ltd* 430

Note 434

(d) Relief Against Forfeiture for Tenants 435

Re Jeans West Unisex Ltd 437

Note 440

(e) Landlords' Remedies and Duties Following Abandonment 441

Highway Properties and Mitigation 442

Toronto Housing Co. Ltd. v. *Postal Promotions Ltd* (H.C.) and (C.A.) 443

Notes 447

CHAPTER TWELVE: RESIDENTIAL TENANCIES

(a) Introduction 449

(b) Security of Tenure and Rent Control: Legislation and Policy Arguments . 452

(c) Termination of Tenancies: Landlords' Rights 460

Jaffer v. *Sachdev* 461

Notes 463

(d) Termination of Tenancies: Tenant Fault 467

Persistent Late Payment of Rent 467

Non-Payment of Rent 468

Illegality 469

Damage 471

Interference with Reasonable Enjoyment 471

Impairment of Safety 473

Walmer Developments v. *Wolch* 474

(e) Termination of Tenancies: Eviction Procedures and Relief 478

Problem 480

(f) The Residential Tenancies Act 482